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Docket No.: 47100-222154  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David HILDEBRAND et al.  
Application No.: Not Yet Assigned

International Application No.:  
PCT/US2004/020039  
International Filing Date:  
June 23, 2004

Filed: Concurrently Herewith

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

For: SOYBEAN SELECTION SYSTEM BASED  
ON AEC-RESISTANCE

Customer No.

**26694**

PATENT TRADEMARK OFFICE

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Documents AA-AF are U.S. Patents. Therefore, copies of these documents do not need to be submitted according to U.S. PTO disclosure requirements.

A copy of each of documents CA - CJ listed on the PTO/SB/08 is attached.

A concise explanation of relevance of some of the items listed on form PTO/SB/08 is in the form of an International Search Report from Priority Application No. PCT/US2004/020039, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

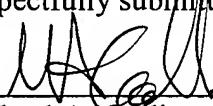
International Application No.: PCT/US2004/020039

Docket No.: 47100-222154

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Attorney Docket No. 47100-222154.

Dated: 12/23/05

Respectfully submitted,

By   
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|-------------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|--------------------------|------------------------|
| Substitute for form 1449A/B/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(Use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                        |
|                                                                                                                                                 |   |    |   | Application Number       | Not Yet Assigned       |
|                                                                                                                                                 |   |    |   | Filing Date              | Concurrently Herewith  |
|                                                                                                                                                 |   |    |   | First Named Inventor     | David David Hildebrand |
|                                                                                                                                                 |   |    |   | Art Unit                 | Not Yet Assigned       |
|                                                                                                                                                 |   |    |   | Examiner Name            | Not Yet Assigned       |
|                                                                                                                                                 |   |    |   | Attorney Docket Number   | 47100-222154           |
| Sheet                                                                                                                                           | 1 | of | 2 |                          |                        |

| U.S. PATENT DOCUMENTS |                          |                                          |                                |                                                    |                                                                                 |
|-----------------------|--------------------------|------------------------------------------|--------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |                                                    |                                                                                 |
|                       | AA                       | US-5,773,691                             | 06-30-1998                     | FALCO et al.                                       |                                                                                 |
|                       | AB                       | US-5,367,110                             | 11-22-1994                     | CALILI et al.                                      |                                                                                 |
|                       | AC                       | US-6,093,568                             | 07-25-2000                     | DAVIES et al.                                      |                                                                                 |
|                       | AD                       | US-6,495,738                             | 12-17-2002                     | FOLKERTS et al.                                    |                                                                                 |
|                       | AE                       | US-6,552,250                             | 04-22-2003                     | NYKIFORUK et al.                                   |                                                                                 |
|                       | AF                       | US-6,342,658                             | 01-29-2002                     | DEBONTE et al.                                     |                                                                                 |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                          |                                                                                                                                                                                                                                                                                                                                                                   |                |  |
|---------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|
| Examiner<br>Initials            | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                                                                                                   | T <sup>2</sup> |  |
|                                 | CA                       | MAUGHAN et al., "In Vitro Cell", Dev. Biol.-Plant, July-August 1999, Vol. 35, pages 344-349                                                                                                                                                                                                                                                                       |                |  |
|                                 | CB                       | SILK et al., "Plant Molecular Biology", 1994, Vol. 26, pages 989-993                                                                                                                                                                                                                                                                                              |                |  |
|                                 | CC                       | "Soybean Somatic Embryogenesis and Transformation", 3 pages, dated June 10, 2004, <a href="http://www.cropsoil.uga.edu/soy-engineering/soytransformation.html">http://www.cropsoil.uga.edu/soy-engineering/soytransformation.html</a>                                                                                                                             |                |  |
|                                 | CD                       | "Soybean Transformation", 7 pages, downloaded May 16, 2005 <a href="http://www2.oardc.ohio-state.edu/planttranslab/d20.htm">http://www2.oardc.ohio-state.edu/planttranslab/d20.htm</a>                                                                                                                                                                            |                |  |
|                                 | CE                       | ZHANYUAN ZHANG, "TRANSFORMATION OF RECALCITRANT CROP SPECIES: A CASE STUDY ON AGROBACTERIUM-MEDIATED TRANSFORMATION OF SOYBEAN AND ITS IMPLICATION TO MAIZE TRANSFORMATION", Plant Transformation Core Facility, 1 page, dated January 13-17-, 2001 <a href="http://www.intl-pag.org/9/abstracts/W38_05.html">http://www.intl-pag.org/9/abstracts/W38_05.html</a> |                |  |
|                                 | CF                       | MCALVIN et al., " TRANSGENIC EXPRESSION OF THE SOYBEAN APYRASE IN LOTUS JAPONICUS ENHANCES NODULATION1", Plant Physiology, April 2005, Vol. 137, page 1456-1462                                                                                                                                                                                                   |                |  |
|                                 | CG                       | JAIWAL et al., " STRATEGIES TO DEAL WITH THE CONVERN ABOUT MARKER GENES IN TRANSGENIC PLANTS: SOME ENVIRONMENT-FRIENDLY APPROACHES", Current Science, Vol. 83, No. 2, July 25, 2002, pages 128-136                                                                                                                                                                |                |  |
|                                 | CH                       | MORTEN JOERSBO, "ADVANCES IN THE SELECTION OF TRANSGENIC PLANTS USING NON-ANTIBIOTIC MARKER GENES", PHYSIOLOGIA PLANTARUM, Vol. 111, 2001, pages 269-272                                                                                                                                                                                                          |                |  |
|                                 | CI                       | MIKI et al., " SELECTABLE MARKER GENES IN TRANSGENIC PLANTS: APPLICATIONS, ALTERNATIVES AND BIOSAFETY", Journal of Biotechnology, Vol. 107, 2004, pages 193-232                                                                                                                                                                                                   |                |  |
|                                 | CJ                       | Suryadevara S. RAO et al., " LYSINE-THREONINE AND LYSINE-ANALOG S-(2-AMINOETHYL)-L-cysteine as Alternative Non-antibiotic selection System for Soybean somatic Embryos", 1 Page , presented at Conference in Barcelona, Spain, during June 23-28, 2003.                                                                                                           |                |  |

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

MAG/ZA/CDW-704699

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|